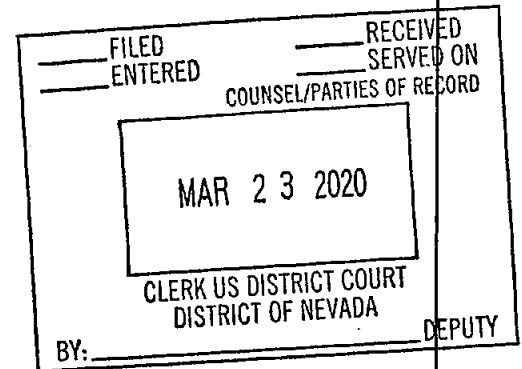


1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
SYLVIA A. IRVIN  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Sylvia\_Irvin@fd.org

6 Attorney for Eliel Urrutia Jimenez



7  
8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

*ORDER*

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ELIEL URRUTIA JIMENEZ,

14 Defendant.

Case No. 2:20-mj-00199-VCF

~~STIPULATION TO CONTINUE~~  
**PRELIMINARY HEARING AND**  
**DEFENDANT'S WAIVER OF**  
**SPEEDY TRIAL**  
(First Request)

16  
17 It is hereby agreed and stipulated to, by and between United States Attorney Nicholas  
18 A. Trutanich and Assistant United States Attorney Rachel Kent, counsel for the United States  
19 of America, and Federal Public Defender Rene L. Valladares and Assistant Federal Public  
20 Defender Sylvia A. Irvin, counsel for Defendant Eliel Urrutia Jimenez, that that the Preliminary  
21 Hearing currently scheduled on March 23, 2020, be vacated and continued to a date and time  
22 convenient to the Court, but no sooner than 30 days.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Jimenez's initial appearance was on March 9, 2020, and his detention  
25 hearing was held on March 11, 2020. ECF Nos. 2, 7. Following a detention hearing, Mr.  
26 Jimenez was detained and is currently at the Nevada Southern Detention Center in Pahrump.

1           2.     A preliminary hearing was scheduled in this matter for today, March 23, 2020.  
2 ECF No. 2.

3           3.     In the interim, on March 11, 2020, the World Health Organization officially  
4 classified COVID-19 a pandemic. Governor Steve Sisolak declared a State of Emergency in  
5 Nevada on March 12, 2020. On March 15, 2020, the CDC recommended that all in-person  
6 events consisting of 50 or more people be postponed or cancelled throughout the United States.  
7 The CDC's guidelines provide that all individuals take immediate preventive actions, including  
8 putting distance between themselves and others.<sup>1</sup>

9           4.     The Chief Judge has issued two temporary general orders suspending jury trials  
10 and striving to eliminate in person appearances by allowing hearings to be held by telephone or  
11 video.<sup>2</sup>

12           5.     While these events were occurring, the Office of the Federal Public Defender  
13 (FPD) stopped all in-person attorney visits at the Nevada Southern Detention Center and  
14 scheduled legal calls to update clients. The FPD also has been able to use the videoconference  
15 room at the U.S. Probation Office.

16           6.     Undersigned counsel scheduled legal calls to Mr. Jimenez but Mr. Jimenez did  
17 not call and it is not clear why Mr. Jimenez did not receive counsel's messages.

18           7.     While the first attempts to contact Mr. Jimenez were unsuccessful, counsel has  
19 since been able to communicate with Mr. Jimenez. Undersigned counsel asked AFD Nisha  
20 Brooks-Whittington to add Mr. Jimenez to her videoconference list on Friday, March 20, 2020.  
21 AFD Brooks-Whittington was able to meet via video with Mr. Jimenez to discuss the  
22 complaint, the status of his case, his speedy trial rights, and his right to a preliminary hearing.

23  
24           <sup>1</sup> *How to Protect Yourself*, CDC (March 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>.

25           <sup>2</sup> Available at [https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-General-Order-2020-03-re-Covid19.pdf)  
26 [General-Order-2020-03-re-Covid19.pdf](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Temporary-General-Order-2020-03-re-Covid19.pdf), and [https://www.nvd.uscourts.gov/wp-](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf)  
[content/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf](https://www.nvd.uscourts.gov/wpcontent/uploads/2020/03/Admin-Order-re-Covid19-court-closure-2020-04.pdf)

1           8.     Mr. Jimenez understands and agrees to the continuance of his preliminary  
2 hearing. He is well aware of the COVID-19 health concerns and does not want to be transported  
3 to appear in court in person today.

4           9.     Once the preliminary hearing is rescheduled by the Court, Mr. Jimenez and  
5 counsel will determine whether he will appear in person or by video at that hearing and they  
6 will notify the Court right away.

7           10.    The additional time requested by this stipulation is excludable in computing the  
8 time within which the trial must commence pursuant to the Speedy Trial Act, 18 U.S.C. §  
9 3161(h)(7)(A), and considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and  
10 3161(h)(B)(iv).

11          11.    The Defendant Mr. Jimenez is in custody, he agrees with the continuance, and  
12 agrees to waive his speedy trial rights for purposes of this waiver of his right to a preliminary  
13 hearing.

14          12.    This is undersigned counsel's first request for a continuance of the preliminary  
15 hearing.

16               DATED this 23th day of March, 2020.

17  
18       RENE L. VALLADARES  
19       Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

20       By /s/ Sylvia A. Irvin

By /s/ Rachel Kent

21       SYLVIA A. IRVIN  
22       Assistant Federal Public Defender

RACHEL KENT  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ELIEL URRUTIA JIMENEZ,

7 Defendant.  
8

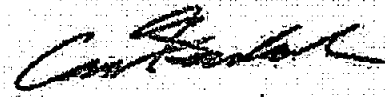
Case No. 2:20-mj-00199-VCF

**ORDER**

9  
10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on  
12 March 23, 2018, at 4:00 p.m., be vacated and continued to April 28, 2020 at the hour of  
13 4:00 p.m.

14 DATED this 23<sup>rd</sup> day of March, 2020.

15 

16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26